THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.14032 of 2007

-

-

Date: 06.09.2007

-

-

Between:

Lepakshi Fareeda Banu and another

…Petitioners

and

The Principal Secretary,
Revenue (Assignment) Department,
Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.14032 of 2007

O R D E R:

It is stated that originally an extent of Ac.3.04 cents in Survey No.605/1 situated at Kalikiri Village and Mandal, Chittoor District was allotted to Vempalle Lalu Saheb by the Government under DKT Rules vide A.M. No.1409/4/64, dated 13.07.1955. The original assignee died and his son Vempalle Rasool Saheb sold Ac.1.00 in favour of the petitioners' father on 09.02.1970 and the said property has been gifted in favour of the petitioners by a registered gift deed, dated 16.05.2005. While so, the fourth respondent issued eviction proceedings to the petitioners under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act No.9 of 1977) (for short 'the Act') and cancelled the assignment by order, dated nil-04-2006, on the ground that in respect of the above said assigned land, the provisions of the Act apply and, therefore, it is not alienable. As against the said order, the petitioners filed appeal before the Sub-Collector, Madanapalle, who in turn, dismissed the same vide his order dated 22.11.2006, against which, the petitioners filed revision before the Joint Collector, Chittoor, who by the impugned order vide No.E8/12259/06, dated 14.06.2007 dismissed the same. It is further stated that during the pendency of the revision before the Joint Collector, the petitioners filed Writ Petition No.10698 of 2007 and this Court directed the respondents

not to dispossess the petitioners from the said land till the disposal of the revision.

The learned Government Pleader appearing for the respondents submits that after disposal of the revision by the Joint Collector vide his order, dated 14.06.2007, the petitioners were dispossessed. The learned counsel for the petitioners submits that the petitioners filed further revision before the first respondent – Government on 22.06.2007 and that they are still in possession of the land in question.

I am not inclined to express any opinion either with regard to the merits or with regard to the possession. However, as the revision filed on 22.06.2007 is pending before it, the first respondent is directed to dispose of the same as early as possible. Pending disposal of the revision, status quo obtaining as on today shall be maintained with regard to the possession.

The writ petition is accordingly disposed of. No order as to costs.

_____

V.ESWARAIAH, J

6th September, 2007.

Note: issue c.c. in one week.

B/o

kvni